

Notice of Allowability

Application No.

10/081,683

Examiner

Keith Hendricks

Applicant(s)

BUCK, DORIS LORRAINE

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the letter of May 3, 2004.
2. ☒ The allowed claim(s) is/are 1-5.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Art Unit: 1761

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Doris Lorraine Buck on June 16, 2004.

Please amend the claims to read as follows.

Claim 1: A peanut butter batter pancake mix, which comprises:

- (a) a combination of peanut ingredients comprising peanut flour, peanut butter, peanut chunks, peanut oil and peanut extract oil and
- (b) a flour-based pancake mixture.

Claim 2: A method of using the peanut butter batter pancake mix of Claim 1, comprising ~~[of]~~ forming doughnuts, waffles, ~~[and]~~ or crepes with the peanut butter batter pancake mix as a base.

Claim 3: A method of using the peanut butter batter pancake mix of Claim 1, comprising ~~[of]~~ forming a bread with said peanut butter batter pancake mix as a base.

Claim 4: A method of using the peanut butter batter pancake mix of Claim 1, comprising ~~[of]~~ coating ~~[for]~~ meats, fish, ~~[and]~~ or poultry with said peanut butter batter pancake mix as a base.

Claim 5: A method of using the peanut butter batter pancake mix of Claim 1, comprising ~~[of]~~ thickening soups, sauces, and dressings with said peanut butter batter pancake mix.

Art Unit: 1761

**** Please replace the Abstract of the Disclosure with the following attached page. ****

The following is an examiner's statement of reasons for allowance:

The instant claims are free of the prior art of record. There is no single reference teaching which discloses the claimed invention. The references cited in the rejection of record are combined as a 'recipe' type format; however, although each of the components were known in the art at the time the invention was made, there lacks a clear teaching or suggestion to combine the totality of ingredients currently recited in instant claim 1, resulting in the properties disclosed. This is further supported by applicant's statements of commercial success of the product.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith Hendricks whose telephone number is (571) 272-1401. The examiner can normally be reached on M-F (8:30am-6pm); First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (571) 272-1398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KEITH HENDRICKS
PRIMARY EXAMINER

Abstract of the Disclosure

A method of using peanut products in conjunction with a pancake mix, in a unique way (via peanut flour, peanut butter, peanut chunks, peanut oil and peanut essence) to create a nutritious, aromatic, new food product. This is accomplished by mixing all of these ingredients with water, milk, buttermilk and/or club soda to provide a batter, and cooking, which produces the final product of tender, fluffy, and peanut crunchy inside, crispy on the outside, pancakes. The product freezes well and can be eaten cold or subsequently reheated for consumption.